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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,062	09/26/2000	Bradley J. Wessman	20000389.ORI	5103

36029 7590 06/10/2003

DOCKET CLERK, EXAMINER

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EXAMINER

QROPEZA, FRANCES P

ART UNIT

PAPER NUMBER

3762

DATE MAILED: 06/10/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/670,062

Applicant(s)

WESSMAN, BRADLEY J.

Examiner

Frances P. Oropeza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/14/03 (Amendment) and 5/16/03 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 18-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 30-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. The Applicant's submission filed on 5/16/03 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-17 and 30-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As to claims 1-8 and 30-32, independent claims 1 and 30 claim "a band welded to the conductive pad within the welding region". The specification states the conducting pad is secured/ welded within the welding region to the conductor (page 3, lines 7-12 and 26; page 7, lines 22-25) and the band is welded to the conductive pad (page 3, lines 18-19 and 26-25; page 7, lines 28-31), but the Examiner is unable to find in the specification that the band is welded to the conductive pad within the welding region. The welding region is a groove cut in the insulation

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and the conductive pad, not the band, is secured within the welding region (page 3, lines 5-6 and 7-9). New matter may not be entered in the application at this point in prosecution.

As to claims 9-17, claim 9 claims the proximal and distal ends of the elongated conductive element are electrically connected to the conductor within the welding region, and the distal end of the elongated conductive element is welded to the band. The Examiner is unable to find support for this embodiment in the specification. It appears the proximal end of the elongate conductive element should be claimed as attached/ welded to the conductor while the distal end of the elongate conductive element should be claimed as attached/ welded to the band. New matter may not be entered in the application at this point in the prosecution.

Appropriate correction is required.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-17 and 30-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

In claims 1 and 30, it is unclear how the band is welded within the welding region when the welding region is defined as an area where insulation material is removed to expose at least a portion of the at least one conductor.

Claim 9 is unclear as the distal end of the elongated conductive element is attached/ connected/ welded in two locations, to the conductor and to the band.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. Claims 1-17 stand and claims 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Winkler (US 5417208). Winkler discloses an electrode-carrying catheter with a conductor (45), a conductive pad/ elongate conductive element (51), and a ring electrode (53) (figure 2, figures 4A-4D and figure 6). The ring electrode (53) has projections extending from the inner wall of the lumen (figures 6 and 7). The conductor and copper conductive pad have a welded connection (col. 6 @ 51-59).

As to claims 1 and 30 and a conductive pad within a welding region and a band welded to the conductive pad to electrically connect the band to the conductor / proximal end of the conductor, Winkler teaches a copper ribbon conductive pad (51) joined by welding within a welding region (figures 4A-4D; figure 6; col. 3 @ 20-26), and a band (53) welded (c 8, ll 8-9) to the conductive pad (51) to electrically connect the band (53) to the conductor (45) / proximal end of the conductor (one conductor is provided for each electrode with the proximal end of the conductor being connected to the electrode) (col. 5 @ 17-21; col. 2 @ 30-36).

As to claims 1 and 30 and the insulation being removed to expose a portion of the conductor, Winkler teaches the insulation is removed to form a window (47) to expose the conductor/ wire and if necessary removes the insulation from the conductor to expose the conductive wire (figures 4A-4D and 7; col. 6 @ 6-22).

As to claims 1 and 30 and the band being welded to the conductive pad within the welding region, the welding region is defined by an area where the insulating material is removed to expose at least a portion of the at least one conductor, hence the welding region in Winkler, as view in figures 6 and 7, includes the area where the hard core layer (20), the soft

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layer (44) and the conductor insulation (45) is removed. As shown in figures 6 and 7, the band impacts the welding region and is secured by welding (col. 8 @ 8-9); it is inherent the sensitive interface of the supported and unsupported band would be fortified with a weld, the location of this weld being in the welding region.

As to claim 9, the welding region is defined by an area where the insulating material is removed to expose at least a portion of the at least one conductor, hence the welding region in Winkler, as view in figures 6 and 7, includes the area where the hard core layer (20), the soft layer (44) and the conductor insulation (45) is removed. As shown in figures 6 and 7, the elongate element (51) has a proximal end located against the soft insulation (44) on the right side of figure 7, and has a distal end contacting the band (53) located on the left side of figure 7, hence the proximal and distal ends of the of the elongate element are electrically connected to the conductor within the welding region. In addition, the band is secured by welding (col. 8 @ 8-9); inherently the sensitive interface of the supported and unsupported band would be fortified with a weld that would attach the distal end of the elongate element to the band by a weld.

Claim Objection

5. Claim 32 is objected to because it appears "adhesives, crimping" should be --adhesives and crimping--.

Statutory Basis

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Fran Oropeza whose telephone number is (703) 308-4255. The Examiner can normally be reached on Monday – Thursday from 6 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Angela D. Sykes can be reached on (703) 308-5181. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 306-4520 for regular communication and (703) 306-4520 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

Frances P. Oropeza
Patent Examiner
Art Unit 3762

FPO
6/6/03

Angela D. Sykes

**ANGELA D. SYKES
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